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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,581	10/18/2004	Pierre-Marie Lemer	0510-1105	4570
466	7590	11/30/2005	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			HASHMI, ZIA R	
			ART UNIT	PAPER NUMBER
			2881	

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

**Office Action Summary**

Application No.

10/511,581

Applicant(s)

LEMER, PIERRE-MARIE

Examiner

Zia R. Hashmi

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/18/2004</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### **Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-19 are rejected under U.S.C. 103(a) as being unpatentable over Huettenrauch et al. (4,965,456) in view of Mansker (3,308,297).

3. With respect to independent claim 1, and dependent claims 2 and 5, Huettenrauch et al. disclose a screen made of radioprotective material for ensuring protection of an operator against x-ray type ionizing radiation emissions or others, which screen consists of a front wall which includes a transparent panel over a portion at least of the height thereof, characterized in that it comprises a front wall whereof the upper section on the one hand is tilted forward, thereby overhanging, to enable the operator to come closer to the intervention zone, and on the other hand, is fitted with two orifices for letting through the operator's arms (Abstract, lines 1-8, col. 1, lines 44-57, col. 2, lines 43-45, 51-54, & 63-66, col. 3, lines 9-12, 15-30, & 20-30, col. 4, lines 2-5, 10-15, 19-23, 39-45, & 62-67, col. 5, lines 20-40 & 61-65, and 6,8, & 9 in Fig. 1).

4. With respect to dependent claims 10, Huettenrauch et al. further disclose a protection screen characterized in that the front wall form an assembly mounted to slide vertically on a frame or substructure fitted with caster wheels notably for enabling

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adjustment in height of the orifices for letting through the arms (Abstract, lines 1-4, col. 2, lines 59-63, col. 3, lines 20-48, 4, 6, 2A, & 3A in Fig. 1, and Fig. 2-4).

4. With respect to claims 1, 3-4, 6-9, and 11-19, Huettenrauch et al. fail to disclose side walls at right angle to the front screen, as a part of the radioprotective screen.

Mansker, however, discloses side wall screens of an x-ray protective shield extending at right angle or substantially at right angle from one of the sides of the front wall of the front radioprotective screen (col. 2, lines 43-54 and 14, 15A, & 15B in Fig. 4). Clearly, x-rays radioprotective screens with front and side walls, with adjustable heights, and means of accommodating operator's arms in radioprotective material have been in use prior to the instant invention.

Thus, it would have been obvious to one having ordinary skill at the time of the invention was made to combine the methods and apparatus of Huettenrauch et al. and Mansker, because Huettenrauch et al. teach (col. 1, lines 10-13) that in the radiological examination of a patient, precautions must be taken by the person conducting the examination to avoid undue exposure to an impermissibly high dosage of radiation.

### **Conclusion**

5. Cole discloses (5,220,175) a portable radiation protection enclosure device mounted on casters having three vertically oriented outer telescoping members, and arm hooks extending forward.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status


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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zia Hashmi whose telephone number is (571) 272-2473. The examiner can normally be reached between 8.30 AM- 5 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Lee can be reached on (571) 272-2477.

Zia Hashmi

November 19, 2005

  
JOHN R. LEE  
SUPERVISORY PATENT EXAMINER  
TECHNICAL CENTER 2800